Ordinance



City Council City of Wilmington North Carolina

0-2008-88

Introduced By: Sterling B. Cheatham, City Manager

11/05/2008 Date:

Ordinance Amending the Land Development Code (LDC-2-1008)

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, NCGS Section 160A-385 authorizes local governments to amend ordinances regulating land use within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS Section 160A-364 and Article 3, Section 18-117 of the Land Development Code; and

WHEREAS, the amendment set out below is intended to promote the public health, safety and welfare by amending the Land Development Code to reference the Cape Fear Public Utility Authority within the final plat dedication certificate and create a certificate of approval to enable the Cape Fear Public Utility Authority to approve final plats prior to recordation.

THEREFORE, BE IT ORDAINED:

SECTION 1: Section 18-421(c) of the Wilmington City Code, "Required statements, certificates and forms" is hereby amended as follows:

By amending subsection (4) "Certificate of ownership and dedication" to read:

"I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of a subdivision with my (our) own free consent, establish minimum setback lines, and dedicate all streets, alleys, walks, parks and other sites to public or private use as noted. I (we) hereby dedicate easements to the Cape Fear Public Utility Authority over all private streets for water and sewer lines and appurtenances. Further, I (we) certify the land as shown hereon is within the platting jurisdiction of the City of Wilmington, North Carolina.

Date:	
	Owner"
and by adding a new subsection (11)) to read:
"(11) Certificate of approval by the The Cape Fear Public Utility Author	e Cape Fear Public Utility Authority: ity hereby approves for recordation the final plat for

Authorized	Official,	Cape Fear	Public	Utility	Authority
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Date"

SECTION 2: That any person violating the provisions of this ordinance shall be subject to the penalties set forth in Article XIV, Section 18-52 of the Land Development Code.

SECTION 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 4: That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5: That this ordinance shall be effective immediately upon its adoption.

Bill Saffo, Mayor

Adopted at a <u>regular</u> meeting on <u>November 5</u>, 2008.

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City Clerk

APPROVED AS TO FORM:

City Attorney

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